

- Sec.
1974. Inapplicability of chapter to certain seizures.
1975. Claims for amounts expended because of seizure.
(a) Action by Secretary.
(b) Withholding amount of unpaid claim from foreign assistance funds.
1976. Authorization of appropriations.
1977. Reimbursement for seized commercial fishermen.
(a) Agreement to reimburse for actual costs, confiscation or spoilage of fish, and loss of income.
(b) Distribution of payments according to commercial fishing practices and procedures.
(c) Establishment of fees; amount of fees; credit of fees to separate Treasury account; payment from collected fees; authorization of appropriations.
(d) Finality of determinations; insured losses.
(e) Effective date.
(f) Definitions.
1978. Restriction on importation of fishery or wildlife products from countries which violate international fishery or endangered or threatened species programs.
(a) Certification to President.
(b) Notification to Congress.
(c) Importation of fish products from offending country prohibited.
(d) Periodic review by Secretary of Commerce or Secretary of the Interior; termination of certification; notice.
(e) Penalties; forfeiture; customs laws.
(f) Enforcement.
(g) Regulations.
(h) Definitions.
1979. Fishermen's Protective Fund.
1980. Compensation for loss or destruction of commercial fishing vessel or gear.
(a) Definitions.
(b) Causes of loss or destruction.
(c) Eligibility for compensation.
(d) Application for compensation; initial determination of eligibility; amount of compensation; review of initial determination; subrogation of United States upon payment.
(e) Surcharge on foreign fishing vessels.
(f) Fishing Vessel and Gear Damage Compensation Fund; requirements, etc.
(g) Penalty for false or misleading statements.
- 1980a. Reimbursement of owner for fee paid to navigate foreign waters if fee inconsistent with international law.
(a) Reimbursable fees.
(b) Documentation.
(c) Timeliness.
(d) Funding; appropriations.
(e) Claim against foreign government.
(f) "Owner" defined.
- 1980b. Sanctions for imposition of conditions on U.S. fishing vessel found inconsistent with international law.
(a) Certification.
(b) Sanctions.
(c) "Fishing vessel" defined.
(d) Sanctions commensurate with conditions certified.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 16 section 972c; title 48 section 1904.

§ 1971. "Vessel of the United States" defined

For the purposes of this chapter the term "vessel of the United States" shall mean any

private vessel documented or certificated under the laws of the United States. Notwithstanding any other law, the documentation or certification of any such vessel shall not be considered to be affected, for the purposes of this chapter, in any manner or to any extent if at any time during any voyage for the purpose of fishing beyond the fishery conservation zone (as defined in section 1802(8)¹ of title 16), the vessel is commanded by other than a citizen of the United States.

(Aug. 27, 1954, ch. 1018, §1, 68 Stat. 883; Oct. 28, 1978, Pub. L. 95-541, §14(a), 92 Stat. 2057.)

REFERENCES IN TEXT

Section 1802(8) of title 16, referred to in text, which defined "fishery conservation zone", was repealed and section 1802(6) of Title 16, Conservation, defining "exclusive economic zone", was added by Pub. L. 99-659, title I, §101(a), Nov. 14, 1986, 100 Stat. 3706.

AMENDMENTS

1978—Pub. L. 95-541 provided that the documentation or certification of a vessel of the United States not be affected if at any time during the voyage for the purpose of fishing beyond the fishery conservation zone, the vessel is commanded by other than a citizen of the United States.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 14(b) of Pub. L. 95-541 provided that: "The amendment made by subsection (a) [amending this section] shall take effect January 1, 1978."

SHORT TITLE

Pub. L. 90-482, §4, Aug. 12, 1968, 82 Stat. 730, provided that: "The Act of August 27, 1954 (68 Stat. 883; 22 U.S.C. 1971-1976), as amended by this Act [this chapter], may be cited as the 'Fishermen's Protective Act of 1967'."

CROSS REFERENCES

Documentation of vessels, see section 12101 et seq. of Title 46, Shipping.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 48 section 1904.

§ 1972. Action by Secretary of State upon seizure of vessel by foreign country; preconditions

If—

(1) any vessel of the United States is seized by a foreign country on the basis of claims to jurisdiction that are not recognized by the United States, or on the basis of claims to jurisdiction recognized by the United States but exercised in a manner inconsistent with international law as recognized by the United States;¹

(2) any general claim of any foreign country to exclusive fishery management authority is recognized by the United States, and any vessel of the United States is seized by such foreign country on the basis of conditions and restrictions under such claim, if such conditions and restrictions—

(A) are unrelated to fishery conservation and management,

(B) fail to consider and take into account traditional fishing practices of vessels of the United States,

¹ See References in Text note below.

¹ So in original. Probably should be followed by "or".